



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, सोमवार, २५ जुलाई, १९६६/३ श्रावण, १८८८

GOVERNMENT OF HIMACHAL PRADESH EDUCATION DEPARTMENT NOTIFICATION

Simla-4, the 11th April, 1966

No. Edu. 307/58-(Estt)-Vol. II.—In exercise of the powers delegated by the President under the proviso to Article 309 of the Constitution, vide Government of India, Ministry of Home Affairs, Notification No. F.27/59-Him-(i), dated July 13, 1959, the Administrator (Lieutenant Governor) Himachal Pradesh, is pleased to make the following Rules in respect of Himachal Pradesh Education Department Class IV Service in regard to the following matters, namely:—

- (i) the method of recruitment to Himachal Pradesh Education Department Class IV Service;
- (ii) the qualification necessary for appointment to such service and posts; and
- (iii) the conditions of service of persons appointed to such service and posts for the purpose of probation, confirmation, seniority and promotion.

RECRUITMENT RULES

PART I—GENERAL

1. *Short title and commencement.*—(a) These rules may be called the Himachal Pradesh Education Department Class IV Service (Recruitment, Promotion and certain Conditions of Service), Rules, 1966.

(b) These Rules shall come into force from the date of their notification in the Official Gazette.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context:—

- (a) “Recognised School” means any school run by the Government or by a local body and declared or recognised by the Government.

- (b) "Government" means the Himachal Pradesh Government.
- (c) "The Service" means the Himachal Pradesh Education Department Class IV Service.
- (d) "Direct Appointment" means an appointment made otherwise than by promotion from amongst the members of the service or by transfer of an official already in the service of the Government or of the Union.
- (e) "Lieutenant Governor" means Lieutenant Governor of Himachal Pradesh.
- (f) "Scheduled Castes" means the castes, races or tribes or parts of or groups within castes or tribes specified in the Constitution (Scheduled Castes) (Union Territories) Order, 1951 as amended by Part V of Schedule II read with sub-section (2) of section 3 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956 (63 of 1956).
- (g) "Scheduled Tribes" means the Tribes or Tribal communities or part of or groups within Tribes or Tribal communities specified in the schedule to the Constitution (Scheduled Tribes) (Union Territories) Order, 1951 as amended by Part IV of Schedule IV read with sub-section (2) of section 4 of the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1956 (63 of 1956).
- (h) "Member" means a member of the service.

PART II—RECRUITMENT TO SERVICE

3. *Character of posts.*—The character (*i.e.* designation, grades, etc.) of the various posts included in the service and their rates of pay shall be as indicated in Annexure I to these rules.

4. *Authority competent to make appointments.*—All appointments to posts in the service shall be made by the Head of Office or any other Authority declared as such by the Lieutenant Governor.

5. *Nationality eligibility and age etc.*—(1) A candidate for appointment to any post in service must be:

- (a) A citizen of India, and
- (b) (i) who or whose father has been continuously residing in the Himachal Pradesh for a period of not less than three years immediately preceding the date fixed for making applications for appointment to a post; or
- (ii) whose father if dead continuously resided in Himachal Pradesh for a period of not less than three years immediately preceding his death and who has, after the death of his father continued to reside in Himachal Pradesh upto the last date fixed for making applications for appointment to the post:

Provided that any period of temporary absence from Himachal Pradesh for the purpose of prosecuting studies or for undergoing medical treatment or any period of such temporary absence not exceeding three months for any other reason, shall not be deemed to constitute a break in the continuity of such residence, but for the purpose of calculating the said period of three years any such period of temporary absence shall be excluded; and

(iii) who produces before the appointing authority concerned, if so required by it a certificate of eligibility granted under rule 4 of the Himachal Pradesh, Manipur and Tripura Public Employment (Requirement as to Residence) Rules, 1959:

Provided further that in case the Lieutenant Governor, in any exceptional case and for reasons to be recorded in writing relaxes the provisions of sub-rule (1) of this rule, in exercise of his discretion under rule 5 of the Himachal Pradesh Manipur and Tripura Public Employment (Requirement as to Residence) Rules, 1959, a candidate for appointment to any post in the service must be:—

- (a) A citizen of India, or
- (b) A subject to Sikkam, or
- (c) A subject of Nepal, or
- (d) A person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India:

Provided that if he belongs to category (c) or (d) he must be a person in whose favour a certificate of eligibility has been given by the Government of India:

Provided further that if he belongs to category (d) the certificate of eligibility will be valid only for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview and he may also provisionally be appointed subject to the necessary certificate being given to him by the appropriate Government, and

(2) Unless he is already in Government service must produce:—

- (i) a certificate of good moral character from the Head of the recognised school last attended;
 - (ii) certificate of good moral character from two responsible persons not being his relatives who are well acquainted with him in private life and unconnected with his school;
 - (iii) a medical certificate as required by rule 10 of the Fundamental Rules and rules 3 and 4 of the Supplementary Rules;
 - (iv) a declaration to the effect that he has not more than one living wife;
- No person who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reasons of his taking place during the life time of such spouse shall be eligible for appointment to service;
- (v) in the case of female Government servant a declaration to the effect that she has not married a person having already living wife;

No women whose marriage is void by reason of husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to services:

Provided that the Government of India may if satisfied that there are special grounds for doing so, exempt any person from the operation of rules in clauses (iv) and (v) above.

(3) Must not be less than 18 years and not more than 25 years of age on the date of appointment:

Provided further that minimum and maximum age limits as prescribed may be relaxed in pursuance of the administrative instructions given in Appendix 3 of the Posts and Telegraphs Compilation of the Fundamental and Supplementary Rules, Volume II:

Provided further that the maximum age limit may be relaxed in the case of Scheduled Castes/Tribes candidates, displaced persons and other special categories in accordance with the orders issued by the Government of India from time to time.

6. *Educational qualification of candidate.*—No person shall in future be appointed to the service unless in the case of appointment to the posts of:—

- (i) *Daftry.*—He has passed the Middle School examination conducted by the Education Department or a recognised school. The prescribed educational qualifications will be relaxed in the case of departmental promotions provided that the departmental promotee is either permanent or quasi permanent in the grade of peons and has put in at least five years of service in that grade and possesses some knowledge of English.
- (ii) *Workshop attendant.*—He has passed the middle school examination (with science) conducted by Education Department or a recognised school.
- (iii) *Laboratory attendant.*—He has passed the middle school examination (with science) conducted by the Education Department or a recognised school.
- (iv) *Library attendant.*—He has passed the primary standard examination of a recognised school or above.
- (v) *Library bearer.*—He has passed primary standard examination of a recognised school or above.
- (vi) *Gestator operator.*—He has passed the primary standard examination of a recognised school or above.
- (vii) *Jamadars.*—He has normally rendered five years service (officiating or confirmed) as a peon or any other Class IV servant in the pay scale of Rs. 30- $\frac{1}{2}$ -35.
- (viii) *Peons.*—He has passed the primary examination of a recognised school or above. The prescribed educational qualifications will be relaxed in the case of transfer from the post of Chowkidar, Frash, Bhishti, Sweeper provided that such a transferee is either permanent or quasi-permanent and has put in at least two years of service in that grade.
- (ix) *Frash, bhishti, sweepers, water carrier and chowkidar.*—He should preferably be literate.
- (x) *Mali.*—He should possess certificate of gardening from the Agriculture Department of the Government.
- (xi) *School mother.*—She must be literate:

Provided that the conditions as prescribed above may be relaxed in special circumstances, by orders of the Lieutenant Governor.

7. *Method of recruitment.*—Posts in the service shall be filled either by promotion or by direct recruitment in the following manner:—

- (i) *Daftry.*—75% of the posts will be filled in by promotion from amongst the peons on the basis of seniority subject to the rejection of unfit and the remaining 25% of the posts by direct recruitment:
Provided that 23% and 5% of the vacancies shall be filled from amongst the candidates belonging to Scheduled Castes and Scheduled Tribes subject to the minimum qualification being satisfied by them.
- (ii) *Workshop attendant.*—By direct recruitment.
- (iii) *Laboratory attendant.*—By direct recruitment.
- (iv) *Library attendant.*—By direct recruitment.
- (v) *Library bearer.*—By direct recruitment.
- (vi) *Gestator operator.*—By direct recruitment.
- (vii) *Jamadars.*—By promotion from amongst the peons on the basis of seniority subject to the rejection of the unfit.
- (viii) *Peons, frash/water carriers, bhishti, sweeper, chowkidar and mali.*—By transfer of a person already in the service of the Union or by direct recruitment.
- (ix) *School mother.*—By direct recruitment.

8. *Departmental Promotion Committee.*—The Departmental Promotion Committee in respect of the service shall be constituted and notified separately by the respective Head of Department.

PART III—CONDITIONS OF SERVICE

9. *Probation of members of service.*—(i) Members of the service who are appointed against permanent vacancies shall, on appointment to any post in the service, remain on probation for a period of two years.

Explanation.—Approved officiating service shall be taken as a period spent on probation but no member who is officiating in any appointment shall on the completion of the probationary period prescribed, be confirmed until he is appointed against a permanent vacancy.

(ii) If the work or conduct of any member during his period of probation is, in the opinion of the appointing authority, not satisfactory, the appointing authority may dispense with his service or revert him to his former post if he has been appointed to the post otherwise than by direct recruitment.

(iii) On the completion of the period of probation of any member, the appointing authority prescribed, in rule 4, may confirm such member in his appointment or if his work or conduct has in the opinion of the appointing authority, not been satisfactory, may dispense with his service, or revert him to his former post, if he has been appointed otherwise than by direct appointment, or may extend the period of probation and thereafter pass such orders on the expiry of probation, as the case may be, as it could have passed on the expiry of the first period of probation:

Provided always that the total period of probation including extension if any shall not exceed four years.

10. *Restriction for promotion of members of the service to Class III posts.*—No member of the service even though he may be educationally

qualified shall be eligible for promotion to Class III posts in the Himachal Pradesh Education Department cadre direct, except through the Employment Exchanges for which "No Objection Certificate" to enable him to register his name with the employment exchange shall be granted.

11. Scale of pay etc., of the service.—The grades of pay of each class of service are mentioned in Annexure I to these rules subject to their revision from time to time.

12. Discipline.—In respect of discipline, punishment and appeals, the members of the service shall be governed by the provision of Central Civil Services (Classification, Control and Appeal) Rules, 1957 and the Central Civil Services (Conduct) Rules, 1964 as amended from time to time.

13. Seniority of members of service.—The seniority of members of the service shall in each class of appointment shown in Appendix I to these rules will be determined by the dates of their substantive appointment to a permanent vacancy in each case:

Provided that if two or more members are appointed on the same date:—

(a) Members appointed by transfer from other departments shall be senior to members appointed direct;

(b) In case of members who are appointed by transfer from other departments seniority shall be determined by pay, preference being given to the members drawing higher rate of pay and if the rates of pay drawn are the same seniority shall be determined by the length of service, preference being given to members having the longer service; and if the length of service is also the same, seniority shall be determined by the age, the older member being senior to the younger;

(c) In the case of members who are appointed direct on the same date the older member shall be senior to the younger member:

Provided further that if any member is reverted to his former post and is subsequently promoted to the post from which he was reverted, the date of his appointment for the purpose of this rule shall be such date as the appointing authority may determine.

14. Leave and pension etc.—In respect of leave, pension and other (cognate) matters not specifically mentioned in these rules, the members of the service shall be governed by the Revised Leave Rules, 1933, given in appendix 7-A, Volume II of the Posts and Telegraphs Compilation of the Fundamental and Supplementary Rules and the Pension Rules promulgated by the Government of India in Finance Ministry's Office Memorandum No. F. 3(i) Est. (Spl.)/47, dated April 17, 1950 (as amended from time to time) unless one has already exercised one's option otherwise.

15. Other conditions of service.—In respect of conditions of service other than those covered by these rules members of the service shall be governed by the Government of India, Ministry of Home Affairs' Notification No. 27/59-Him (ii), dated July 13, 1959.

ANNEXURE I

ANNEXTURE TO HIMACHAL PRADESH EDUCATION
DEPARTMENT CLASS IV SERVICE RECRUITMENT
AND PROMOTION RULES, 1966

<i>Charactor of Posts</i>	<i>Grade</i>
1. Daftry	Rs. 35-1-50
2. Workshop attendant	Rs. 35-1-50 in H.S.S. plus 32-1-42 in Colleges
3. Laboratory attendant	Rs. 35-1-50 and 31-1-42
4. Library attendant	Rs. 30- $\frac{1}{2}$ -35
5. Library bearer	Rs. 30- $\frac{1}{2}$ -35
6. Gestatnor operator	Rs. 45-2-75
7. Jamadars	Rs. 35-1-50
8. Peons	Rs. 30- $\frac{1}{2}$ -35
9. Frash	Rs. 30- $\frac{1}{2}$ -35
10. Bhishti	Rs. 30- $\frac{1}{2}$ -35
11. Sweeper	Rs. 30- $\frac{1}{2}$ -35
12. Water carrier	Rs. 30- $\frac{1}{2}$ -35
13. Chowkidar	Rs. 30- $\frac{1}{2}$ -35
14. Mali	Rs. 30- $\frac{1}{2}$ -35
15. School mother	Rs. 30 p.m. in all.

K. L. SETHI,
Secretary.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, वीरवार, २८ जुलाई, १९६६/६ श्रावण, १८८८

GOVERNMENT OF HIMACHAL PRADESH

INDUSTRIES DEPARTMENT

NOTIFICATION

Simla-4, the 18th July, 1966

No. 34-1/65-(Fac)-Ind-I.—In exercise of the powers conferred by section 64 read with the section 112 of the Factories Act, (LXIII of 1948), the Lieutenant Governor (Administrator) Himachal Pradesh proposes to make Exempting Rules under section 64 of the Act for the information of persons likely to be effected thereby and notice, is hereby given that said draft will be taken into consideration after the expiry of three months from the date of publication of this Notification in Himachal Pradesh Rajpatra.

2. Any person who has any objection or suggestion to make may send the same to the undersigned within the aforementioned period, and the objections and suggestions so received shall be duly taken into consideration by the competent authority before adopting the amendments finally.

RULES

1. *Short title extent and commencement.*—(i) These rules may be called the (Himachal Pradesh Factories) Exempting Rules, 1966.

(ii) They extend to the whole of the Union territory of Himachal Pradesh.

(iii) They shall come into force at once and shall remain in force for a period of three years from the date of their enforcement.

2. *Definitions.*—In these rules, unless the context otherwise requires:—

(a) “Act” means the Factories Act, 1948;

(b) “Chief Inspector” means the Chief Inspector of Factories, Himachal Pradesh;

(c) "Manager" means the person responsible to the occupier for the working of the factory for the purpose of the Act.

3. Persons defined to hold positions of supervision or management:

The following persons shall be deemed to hold positions of supervision or management:—

- (a) All persons specified in the schedule annexed thereto.
- (b) Any other person who, in the opinion of the Inspector, holds a position of supervision or management.

SCHEDULE

List of persons to hold positions of supervision or management in factories.

1. Managers.
2. Assistant Managers.
3. Engineers.
4. Foremen.
5. Weaving Masters and Spinning Masters in textile mills.
6. Head Electrician.
7. Departmental Heads.
8. Deputy Manager.
9. Assistant Engineers.
10. Head Electricians.
11. Secretary to the Managing Agent, or
12. Personal Assistant to the General Manager.
13. Overseers.
14. Supervisors.
15. Paper makers (incharge of the paper making section).
16. Watch and Ward Officer.
17. Labour Welfare Officer.
18. Head Store-keepers.
19. Head Time Keeper or Time Keeper where there is no post of Head Time Keeper.
20. Line Superintendents.
21. Power House Superintendents.
22. Assistant Foreman (where there is no Foreman).
23. Meter Inspectors.
24. Telephone Supervisors.
25. Permanent Way Inspectors.

4. List to be maintained of persons holding confidential position or position of supervision or management. A list showing the names and designations of all persons to whom the provisions of sub-section (1) of section 64 have been applied shall be maintained in every factory.

5. *Exemption of certain adult workers.*—Adult workers engaged in factories specified in column 2 of the Schedule thereto annexed in the work specified in column 3 of the said Schedule shall be exempted from the provisions of the section specified in column 4 subject to the conditions, if any, specified in column 5 of the said Schedule.

SCHEDULE

Section of the Act empowering grant of exemption	Class of Factory	Nature of exempted work	Extent of exemption	Remarks
1	2	3	4	5
64 (2) (a) and 64 (3).	All factories.	Urgent repairs	Sections 51, 52, 54, 55, 56 and 61.	(i) No workers shall be employed on such repairs for more than 15 hours on any one day, 39 hours during any three consecutive days, or 66 hours during each period of seven consecutive days commencing from his first employment on such repairs.
64 (2) and 64 (3).	All factories.	1. Work in the mechanicshop the smithy or the foundry or in connection with the mill gearing, the electric driving or lighting apparatus, the mechanical or electrical lifts or the steam or water pipes or pumps of a factory. 2. Work of examining for repairing any machinery or other part of the plant which is necessary for carrying on the work in factory. 3. Work in boiler houses and engine rooms, such as, lighting fires in order to raise steam or generate gas preparatory to the commencement of regular work in the factory.	Sections 51, 54, 55, 56 and 61.	(ii) Within 24 hours of the commencement or the work, notice shall be sent to the Inspector describing the nature of the urgent repairs and the period probably required for their completion.
64 (2) (c) and 64 (3).	All factories.	Work performed by drivers, on lighting ventilating and humidifying apparatus. Work performed by fire pump man. Work of persons engaged in loading or unloading or transporting raw materials or finished articles in factories where such work is intermittent and mainly outside the factory premises.	Sections 51, 54, 55 and 61.	(iii) Exemption from the provisions of section 54 shall apply only in the case of adult male workers.

1	2	3	4	5
64 (2) (d) and 64(3).	Oil tank installations.	Work performed by workers in connection with pumping operations.	Sections 51, 52, 54, 55, 56 and 61.	(i) Total daily hours of work shall not exceed 10 and the total hours of overtime work shall not exceed 50 in any quarter the total spread over being limited to 12 hours in any one day.
	Hydro-electric public supply factories.	Operation and maintenance of prime movers and auxiliaries, transformers and switches.	Section 52, 54 and 55.	
	Public electric supply companies electricity generating for oil in internal combustion engines.	The work of engine drivers and assistants, generators attendants, oils and greasers switch board operators and pumpmen.	-do-	(ii) The minimum interval or rest of half an hour shall be given at any time during the working hours.
	Electrical transforming factories.	The work viz., operation and maintenance of the transforming plant, switches and synchronous condensers.	-do-	(iii) The weekly hours shall not exceed 56.
	Distilleries.	(a) Work on the extraction of sugar from various bases, fermentation of sugar juice and distillation of fermented wash.	-do-	(iv) All workers in excess of 9 hours a day and 48 hours per week in a factory shall be paid in respect of such additional hours at the rate of twice the ordinary rates of pay in accordance with the provisions of sub-section (1) to section 59 of the Act.
		(b) Work on boilers, engine, motors, switchboards and pumps;	Sections 51, 52, 54 and 55.	-do-
		(c) Working of molasses;	-do-	
		(d) Fermentation of wash;	-do-	
		(e) Yeast propagation;	Sections 51, 52, 54 and 55.	
		(f) distillation process.	-do-	
	Sugar factories.	Extraction of the juice from the cane, clarification, evaporation and boiling of the juice, curing of the massecuite begging.	-do-	-do-
	Chemical factories.	Work on the sulphur burners, chambers concentrators and pumps; roasting furnace, the manufacture of hydrochloric and nitric acid, sulphates, sulphides, nitrates superphosphates and chlorides, work on the steam service.	-do-	-do-
	Vegetable oil hydrogenation factories.	The work viz., refining, bleaching; filtering, generation of hydrogen, hydrogenating and deodorising processes	-do-	-do-

1	2	3	4	5
	also. Compression of oxygen and the cylinder filling and work on the electric power plant.			
Ice factories.	Work of the engine and compressor drivers and assistants and oilers.	Sections 52, 54 and 55	(i) Total daily hours of work shall not exceed 10 and the total hours of overtime work shall not exceed 50 in any quarter the total spread over being limited to 12 hours in any one day.	
Oil mills.	All work	Sections 54 and 55.		
Flour mills.	All work	Sections 52 and 55.		
Glass factories.	Work in attending to furnace. All work and processes, from mixing of batch to removal of the manufactured glass-ware from the lears.	Sections 52 and 53. Section 52.	(ii) The minimum interval or rest of half an hour shall be given at any time during the working hours.	
Paper factories.	All work on paper making machinery and on the generation and supply of power connected therewith.	Sections 54 and 55.	(iii) The weekly hours shall not exceed 56.	
	Work on choppers, digesters, kneaders, stainers and washers, beaters, paper making machines, pumping plant, reelers, cutters, and power plant.	Sections 52, 54 and 55.	(iv) All workers in excess of 9 hours a day and 48 hours per week in a factory shall be paid in respect of such additional hours at the rate twice the ordinary rates of pay in accordance with the provisions of sub-section (1) to section 59 of the Act.	
Rubber tyre factories.	All work on curring process.	Section 55.		
Iron and steel factories.	All work on steel furnaces.	Sections 51, 52, 54, 55 and 56.	-do-	
Breweries	Work on— (a) Boilders, engines and pumps; (b) malting coppers, hop-back, coolers, refrigerators, yeast propagation and fermentation.	Sections 51, 52, 54 and 55.	-do-	
Rosin and Turpentine factories.	Work on— (a) Boilders, engine/pumps; dynames, motors and switch boards. (b) distillation of rosin; (c) refining of turpentine; (d) filtration and casking of rosin.	-do-	-do-	
Textile mills.	Work on dyeing bleaching and finishing.	Sections 52, 54 and 55. Section 52.	-do-	
64 (2) (f) and 64(3). Brick Kilns.	Work on brick moulding and work of firemen and coal coolies.		(i) No worker shall be employed for more than 10 hours on any one day (ii) Interval of at least half an hours for food and rest shall be given on each working day to all workers employed on such work. (iii) No workers shall be employed for more than 14 consecutive days	

1	2	3	4	5
				without a rest period of at least 24 hours; but the holidays so lost shall be compensated within a period of 3 months.
				(iv) The exemption shall not apply in the case of female workers.
64 (2) (i) and 64 (3).	All factories.	Loading and unloading of railway wagons.	Sections 51, 52, 54, 55, 56 and 61.	No worker shall be allowed to work for more than 60 hours per week.

EXPLANATIONS

The following shall be considered to be urgent repairs:—

- (a) Repairs to any part of machinery plant or structure of a factory which are of such a nature that delay in their execution would involve danger, to human life or safety or the stoppage of manufacturing process.
- (b) Breakdown repairs to the motive powers, transmission or other essential plant of other factories, collieries, railways, dockyards, harbours, tramways, motor transport, gas, electrical generating, and transmission, pumping of similar essential or public utility services carried out in general engineering works and foundries and which are necessary to enable such concern to maintain their main manufacturing processes production or service during normal working hours.
- (c) Repairs to deepsea ships and repairs to commercial aircraft done in a factory which are essential to enable such ships or air-craft to leave port at proper time or continue their normal operations in a sea or air-worthy condition, as the case may be.
- (d) Repairs in connection with a change of motive power for example from steam to electricity or vice versa, when such work cannot possibly be done without stoppage of the normal manufacturing process.

2. Periodical cleaning is not included in the terms “examining” or “repairing”.

By order,
P. K. MATTOO,
Secretary.